

5626/tat

"PATENT APPLICATION"



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

GARY LOCK ET AL

U.S. Serial No. 10/031,364

Group Art Unit 1795

Filed: February 19, 2002

A. Noguerola, Examiner

TRAVELING WAVE DIELECTROPHORETIC
APPARATUS AND METHOD

Alexandria, Virginia
December 9, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS
AND EXTENSION PROCESSING FEE

Dear Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed May 13, 2008 wherein prosecution was reopened following the filing of a Brief on Appeal. Claims 1-31 of the application continue to be rejected.

12/10/2008 AWONDAF1 00000063 10031364

02 FC:2253

555.00 OP

Since this appeal is being filed in response to the Examiner's reopening the prosecution following applicants' earlier filed Notice of Appeal and Brief on Appeal, the \$250 Appeal fee filed January 12, 2007 is to be applied to the present appeal. In view of the increase in fees, however, applicants' are submitting the difference in

12/10/2008 AWONDAF1 00000064 10031364

01 FC:2401

270.00 OP

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Adjustment date: 12/10/2008 AWONDAF1
01/16/2007 SZEWDIE1 00000044 10031364
01 FC:2401

-250.00 OP

5626/USSN 10/031,364
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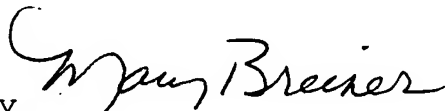
the appeal fees of \$20. Small entity status is applicable to this application.

A third-month request for extension of time for appealing the decision of the Primary Examiner is hereby requested, the period of extension to expire on November 13, 2008. The third-month extension processing fee of \$555 pursuant to 1.136(a) is attached hereto.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-3690.

Respectfully submitted,

GARY LOCK ET AL

By 

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Attachment - \$20 Balance Due of Notice of Appeal Fee and
\$555 3-Mo. Ext. Fee